

No. 9/5/84-Lab./6905.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Hissar Textile Mills, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 213 of 1983

between

SHRI GOBIND RAM, WORKMAN AND THE MANAGEMENT OF M/S HISSAR
TEXTILE MILLS, HISSAR

Present—

Workman in person.

Shri N. K. Garg, A. R. for the respondent.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman and the management of M/s Hissar Textile Mills, Hissar, to this court, for adjudication.—*vide* Labour Department Gazette Notification No. 58963-67, dated 10th November, 1983 :—

Whether the termination of services of Shri Gobind Ram is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent for the last about 18 years as a Technician on monthly wages of Rs. 635 and that the management issued him a charge-sheet on 25th February, 1983, to which a reply was filed by him on 28th February, 1983 and Enquiry Officer was appointed by him on 4th March, 1983, but the Enquiry Officer held a farce of enquiry in which all principles of natural justice were flouted with impunity and as such the order of termination of service is not justified. He has prayed for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. I need not detail the pleas taken by the respondent, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 8th October, 1984:—

- (1) Whether the proper demand notice has been upon the respondent? OPA
- (2) Whether this Court has no jurisdiction to try this reference? OPR
- (3) Whether the demand notice is premature on the ground that the workman has not exhausted the procedure of screening committee as per the terms of the settlement? OPR
- (4) Whether the respondent mills have since been closed? If so, to what effect? OPR
- (5) Whether a valid and proper enquiry has been held by the respondent before terminating the service of the workman?
- (6) Whether the termination of services of Shri Gobind Ram was justified and in order? If not, to what relief is he entitled?

5. After the workman had adduced his evidence and case was fixed for evidence of the management, happily a settlement was arrived at between the parties, whereunder, the management has paid a sum of Rs. 9,193 to the workman in full and final settlement of his claim. The settlement so agreed has been incorporated in the settlement deed Ex. S-1 placed on record. So, now, nothing survives for adjudication and the reference is dismissed and answered accordingly. There is no order as to cost.

Dated the 31st July, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

Endst No. 213-83/1185, dated 7th August, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.